IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 13TH DECEMBER 2007 / 22ND AGRAHAYANA 1929

WP(C).No. 36932 of 2007(V)

PETITIONER:
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1. ponnamma, w/o. Late chella swami
VETTIKAVUMKAL HOUSE, KARUKACHAL P.O. PIN: 686540.

2. SANTHOSH K.C. S/O. LATE CHELLA SWAMI
RESIDING AT DO DO

3. SATHEESH K.C. S/O. DO DO RESIDING AT DO. DO.

BY ADV. SRI.MVS.NAMBOOTHIRY

RESPONDENTS:
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1. KARUKACHAL GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY, PANCHAYAT OFFICE
KARUKACHAL P.O. PIN 686 540.

2. THRESIAMMA JOB, PALAKKUNNEL,
VETTIKAVUMKAL, KARUKACHAL P.O.

3. DR. JOB JOHN, S/O. THRESIAMMA JOB
RESIIDNG AT DO DO.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C)No. 36932 OF 2007

DATED THIS THE 13TH DECEMBER , 2007

J U D G M E N T

In this writ petition the petitioners, who are legal heirs of one Chella Swami and are conducting a vegetable shop in the building which belonged to the husband of the 2nd respondent, challenge Ext.P6 order issued by the Panchayat. The allegations raised in Ext.P6 are two fold. The first allegation is the waste and garbage from the vegetable shop is being dumped into the house of the 2nd respondent. The second one is that it is without the consent of the landlord the business is being carried on. Ext.P3 notice apparently contains endorsement by the 2nd respondent regarding the receipt of rent from the petitioners. To Ext.P6 the petitioners have submitted Ext.P7 explanation before the Panchayat. Apart from that the petitioners have submitted Ext.P5 licence application also. I do not propose to go into the merits of the matter. Since Ext.P7 has been submitted to Ext.P6, it is only appropriate that the decision is being taken by the Panchayat at the earliest. Since Ext.P5 application is pending, the Panchayat is to take decision on Ext.P5 also. Therefore, I dispose of this writ petition at this stage itself issuing the following directions:

2. The Secretary of the Panchayat is directed to take up Ext.P5 consider the same in the light of the statutory provisions and hear the petitioner and the 2nd respondent and take a decision. Similarly the Secretary of the Panchayat is also directed to consider Ext.P7 and take a final decision covered by Ext.P6 after hearing the petitioner as well as the 2nd respondent. The decision as directed above will be taken by the Panchayat within six weeks from the date of receipt of a copy of this judgment. Till the decision as directed above are taken, the petitioners will be permitted to continue their vegetable shop. But they shall not dump the garbage or waste into the premises of the 2nd respondent. The petitioners are also directed to send a copy of this judgment by registered post with acknowledgment due to the 2nd respondent even before they produce the same before the Panchayat.

(PIUS C.KURIAKOSE, JUDGE)

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